

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
W. KARL RENNER
FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

		Date of mailing (day/month/year) 11 APR 2008
Applicant's or agent's file reference 06975-674WO1		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/US05/45663	International filing date (day/month/year) 20 December 2005 (20.12.2005)	Priority date (day/month/year) 20 December 2004 (20.12.2004)
International Patent Classification (IPC) or both national classification and IPC IPC: G06F 15/16(2006.01);G06F 3/00(2006.01) USPC: 709/206;715/758		
Applicant AMERICA ONLINE, INC.		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 25 March 2008 (25.03.2008)	Authorized officer <i>J. Wu</i> Jeffrey Wu Telephone No. 571-270-1896
--	---	---

Form PCT/ISA/237 (cover sheet) (April 2007)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/45663

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:
 the international application in the language in which it was filed
 a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:
 - a. type of material
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material
 on paper
 in electronic form
 - c. time of filing/furnishing
 contained in the international application as filed.
 filed together with the international application in electronic form.
 furnished subsequently to this Authority for the purposes of search.
4. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
PCT/US05/45663**Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-33</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-33</u>	NO
Industrial applicability (IA)	Claims <u>1-33</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Please See Continuation Sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US05/45663

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

1. Claims 1-33 lack novelty under PCT Article 33(2) as being anticipated by March et al.
2. Independent claim 1: March discloses a method for categorizing users, the method comprising: maintaining a list of identifiers that are selected by a first user and for which online presence information is made perceptible through the list, the list including one or more categories into which the identifiers are categorized ("Embodiments of the present invention enable a user to use buddy lists to represent different relationships and to present the user with logical visual representations of these buddy lists." [0015] and see figure 2 and abstract); accessing at least one attribute associated with an identifier for which online presence information is to be made perceptible through the list ("Upon logging in, User A may see a visual representation of these buddy lists, with information regarding whether any of the individuals are also online." [0005-0006],[0015]); accessing attributes stored relative to at least one of the categories ("According to embodiments of the present invention, users may create buddy lists, rank the contents of the lists (or have the contents ranked automatically) according to predefined relationship" [0017]); comparing the attributes associated with the identifier to the stored attributes([0006],[0015-0018], [0022-0024], [0032]); based on results of the comparison, identifying at least one category within the list that corresponds to the identifier; and categorizing the identifier into the identified category ([0006],[0015-0018]).
3. Independent claim 25: March discloses a computer program stored on a computer-readable medium or a propagated signal that, when executed, generates a graphical user interface on a display device for using a computer to manage a list of users of an electronic communications system with which electronic messages may be exchanged, the graphical user interface comprising: a participant list display associated with a user of the participant list display that includes users of the electronic communications system ("Embodiments of the present invention enable a user to use buddy lists to represent different relationships and to present the user with logical visual representations of these buddy lists." [0015] and see figure 2 and abstract), each included user being associated with at least one group included in the participant list display based on at least one attribute of the included user and at least one stored attribute of the at least one group ([0005-0006],[0015-0018]).
4. Independent claim 32: March discloses a machine-accessible medium that when accessed, results in a machine performing operations for categorizing users, comprising:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITYInternational application No.
PCT/US05/45663

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

maintaining a list of identifiers that are selected by a first user and for which online presence information is made perceptible through the list, the list including one or more categories into which the identifiers are categorized ("Embodiments of the present invention enable a user to use buddy lists to represent different relationships and to present the user with logical visual representations of these buddy lists." [0015] and see figure 2 and abstract);
accessing at least one attribute associated with an identifier for which online presence information is to be made perceptible through the list ("Upon logging in, User A may see a visual representation of these buddy lists, with information regarding whether any of the individuals are also online." [0005-0006], [0015] and see figure 2);
accessing attributes stored relative to at least one of the categories ("According to embodiments of the present invention, users may create buddy lists, rank the contents of the lists (or have the contents ranked automatically) according to predefined relationship" [0017]);
comparing the attributes associated with the identifier to the stored attributes ([0006],[0015-0018], [0022-0024], [0032]);
based on results of the comparison, identifying at least one category within the list that corresponds to the identifier; and categorizing the identifier into the identified category ([0006], [0015-0018]).

5. Independent claim 33: March discloses a method for categorizing users, the method comprising:
maintaining a list of identifiers that are selected by a first user, the list including one or more categories into which the identifiers are categorized ("Embodiments of the present invention enable a user to use buddy lists to represent different relationships and to present the user with logical visual representations of these buddy lists." [0015] and see figure 2 and abstract);
accessing at least one attribute associated with an identifier included within through the list ("Upon logging in, User A may see a visual representation of these buddy lists, with information regarding whether any of the individuals are also online." [0005-0006], [0015] and see figure 2);
accessing attributes stored relative to at least one of the categories; comparing the attributes associated with the identifier to the stored attributes ("According to embodiments of the present invention, users may create buddy lists, rank the contents of the lists (or have the contents ranked automatically) according to predefined relationship" [0017]);
based on results of the comparison, identifying at least one category within the list that corresponds to the identifier ([0017-0018], [0022-0024],[0032]); and categorizing the identifier into the identified category ([0017-0018]).

6. Dependent claims 2-24, 26-31 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirement of PCT in respect of novelty

7. Claims 1-33 the criteria set out in PCT Article 33(4), and thus has industrial applicability because the subject matter claimed can be made or used in industry.

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article," "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Volume I/A, Annexes B1 and B2).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, Volume I/A, paragraph 296).

What parts of the international application may be amended ?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When ? Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments ?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How ? Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments ?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.